

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1254 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- TARARI District- Bhojpur

RAVI YADAV Son of Late Ram Sakal Singh Resident of Village - Durgpur
(Sara Harpur Tola), P.S.- Tarari, District - Bhojpur

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Ravindra Kumar, Advocate

For the Respondent/s : Mr.Binay Krishna No. 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-03-2021 Learned counsel for the appellant undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and Mr. Binay Krishna No. 1, learned Spl.P.P. for the State.

The appellant in the present case is seeking set aside of the order dated 24.09.2020 in SC/ST Case No. 65 of 2020 arising out of Tarari P.S. Case No. 60 of 2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhojpur whereby and whereunder the prayer for bail of the appellant registered for the offences punishable under Sections 452, 376, 511, 307, 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)(s)/3(2)(va) of the SC/ST (Prevention of Atrocities) Act has been rejected.

Learned counsel for the appellant submits that as per



the prosecution story, the informant heard the cry of his wife in the night and when he woke up he saw the accused persons named in the FIR and 2-3 unknown persons running out from his house. The informant raised alarm then accused Ravi Yadav, Rajesh Singh and Akhilesh Kumar fired on him causing injury to his villager Ram Nath Ram, Ajay Ram, Vikham Ram, Video Ram and Anus Kumari. It is further alleged that when the informant regained his consciousness his wife disclosed him that the accused persons misbehaved with her.

Learned counsel submits that the appellant is innocent and has falsely been implicated in the present case. There is general and omnibus allegation against all the accused persons and no specific overt act for causing injury has been attributed to this appellant. It is further submitted that similarly situated accused Rajesh Singh and Akhilesh Kumar have been granted privilege of regular bail by learned Co-ordinate Benches of this Court in Cri. Appeal (SJ) No. 1757 of 2020 and Cri. Appeal (SJ) No. 1461 of 2020 respectively. The appellant is in custody 29.05.2020.

Learned Spl.P.P. for the State has opposed the prayer for regular bail of the appellant.

Having regard to the facts and circumstances of the



case, wherein it is the submission of learned counsel for the appellant that the whole case is a concocted one and the allegations are general and omnibus kind of allegation against all the accused persons, co-accused Rajesh Singh and Akhilesh Kumar who are similarly situated with this appellant have been granted privilege of regular bail by learned Co-ordinate Benches of this Court in Cri. Appeal (SJ) No. 1757 of 2020 and Cri. Appeal (SJ) No. 1461 of 2020 respectively and that the injury is said to have been caused is not specifically attributed to this appellant and the said injury is said to be simple in nature as recorded in the order passed in Cri. Appeal (SJ) No. 1461 of 2020, the impugned order is hereby set aside.

Let the appellant above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Bhojpur in connection with SC/ST Case No. 65 of 2020 arising out of Tarari P.S. Case No. 60 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedents of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that the appellant shall appear in the trial court on each and every date fixed in the matter. Two consecutive defaults in putting appearance shall invite cancellation of bail bonds by the learned court below itself. During pendency of the appeal the appellant shall be obliged to make his attendance in Tarari police station within whose jurisdiction he is residing once in a month and his appearance



shall be recorded by the Station House Officer of the said police station and in case of not putting appearance, the same will be reported to the learned court below for consequential action.

The appeal stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

